

# ***City Council Meeting Minutes***

**July 28, 2020  
Electronic Meeting  
6:00 PM**

**Call to Order** – Mayor Stolzmann called the meeting to order at 6:00 p.m. **Roll Call** was taken and the following members were present:

**City Council:**      ***Mayor Ashley Stolzmann  
Mayor Pro Tem Dennis Maloney  
Councilmember Kyle Brown  
Councilmember J. Caleb Dickinson  
Councilmember Deborah Fahey  
Councilmember Chris Leh (arrived 6:19 pm)  
Councilmember Jeff Lipton***

**Staff Present:**      ***Heather Balser, City Manager  
Megan Davis, Deputy City Manager  
Lisa Ritchie, Senior Planner  
Rob Zuccaro, Planning & Building Safety Director  
Katie Baum, Sustainability Specialist  
Emily Hogan, Assistant City Manager for Communications  
& Special Projects  
Meredyth Muth, City Clerk***

**Others Present:**      ***Kathleen Kelly, City Attorney***

Mayor Stolzmann noted that because of the COVID-19 emergency the meeting is being held electronically. She gave information on how the meeting process will work and directions for those dialing in on how to participate when it is time for public comments.

## **APPROVAL OF AGENDA**

Mayor Stolzmann called for changes to the agenda and hearing none asked for a motion. Councilmember Lipton moved to approve the agenda, seconded by Councilmember Fahey. All in favor.

## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND THE CONSENT AGENDA**

RJ Harrington, 457 East Raintree Court, stated if the City is moving forward with a Renewable Energy Credit purchase from Xcel Energy there are residents in town including himself that are knowledgeable in this area and are willing to offer their expertise if needed.

### **APPROVAL OF THE CONSENT AGENDA**

Mayor Stolzmann asked for changes to the consent agenda. No changes.

Councilmember Fahey noted the consent agenda includes the ratification of the CC4CA Policy Statement and explained this policy statement is simplified from previous ones and includes information of how COVID has impacted carbon emissions.

Councilmember Lipton moved to approve the consent agenda, seconded by Mayor Pro Tem Maloney. All in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: June 23, 2020; July 14, 2020; July 21, 2020***
- C. *Ratification of Colorado Communities for Climate Action 2020-2021 Policy Statement***
- D. *Approval of Resolution No. 58, Series 2020 – A Resolution Approving an Agreement with the Urban Drainage and Flood Control D/B/A Mile High Flood District for Drainage and Flood Control Improvements for Coal Creek Drainageway A-1 at Garfield Avenue***

### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

Mayor Stolzmann noted she is hosting a Mayor's Town Meeting tomorrow evening and invited everyone to join in to give input.

### **CITY MANAGER'S REPORT**

None.

### **REGULAR BUSINESS**

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**ORDINANCE NO. 1797, SERIES 2020 – AN ORDINANCE IMPOSING A DISPOSABLE BAG TAX OF TWENTY-FIVE CENTS PER BAG BEGINNING JANUARY 1, 2022 AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE REGULAR ELECTION TO BE HELD NOVEMBER 3, 2020 – 2ND READING, PUBLIC HEARING (advertised Daily Camera 7/19/20)**

**WITH PROPOSED SECOND READING AMENDMENTS:**

**AN ORDINANCE IMPOSING A DISPOSABLE BAG TAX OF TWENTY-FIVE TEN CENTS PER BAG BEGINNING JANUARY 1, 2022 AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE REGULAR ELECTION TO BE HELD NOVEMBER 3, 2020 TO AUTHORIZE IMPOSITION OF THE TAX IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE CENTS PER BAG**

Mayor Stolzmann introduced the item and asked if any Councilmembers had any disclosures. Seeing none, she opened the public hearing.

Assistant City Manager Emily Hogan stated that on July 14 the Council approved first reading of the ordinance with ballot language for a proposed bag tax. The estimated total of single-use bags distributed in Louisville is approximately 4.5 million bags or 25 tons per year. Per Council direction, the proposed ballot questions would be structured as follows:

- Applies to all retailers
- Includes a similar definition of single use bags and exemptions as the City of Boulder
- Restricts tax revenue to the program outreach and administration and other sustainability initiatives. The draft ordinance provides for earmarking of revenues, but also includes the authority to spend revenues on “other general purposes of the City.”
- A tax of \$0.25 per bag with \$0.10 retained by the retailer as a vendor fee and \$0.15 remitted to the City
- Start collecting January 1, 2022

At first reading, Council requested staff prepare alternative ballot language for consideration. These changes would amend the ordinance as follows:

- Applies to grocery stores only
- Includes a similar definition of single use bags and exemptions as the City of Boulder
- Restricts tax revenue to the program outreach and administration and other sustainability initiatives. The draft ordinance provides for earmarking of revenues, but also includes the authority to spend revenues on “other general purposes of the City.”
- A tax of \$0.10 per bag with \$0.04 retained by the retailer as a vendor fee and \$0.06 remitted to the City
- Start collecting January 1, 2022

Assistant City Manager Hogan stated staff recommends approval of the ordinance with whatever changes the Council desires.

Mayor Stolzmann asked for clarification on how the tax is set. City Attorney Kelly stated both versions put forth a ballot question allowing for a tax of up to 25 cents. The first version would start the tax at 25 cents but allow the Council to lower that by ordinance if they choose. The second version of the tax would start at 10 cents and allow the Council to raise it by ordinance up to 25 cents.

#### Public Comments

Tess Weltzin, student from Louisville Middle School, stated the environmental impact of these bags is huge and needs to be addressed. Council should be bold and write it for 25 cents for all businesses.

RJ Harrington, 457 East Raintree, stated surveys have shown Louisville residents want to address this and we should be bold and start at 25 cents.

Connell Harrington, stated he supports approval and encouraged 25 cents to start.

Tiffany Boyd, 550 Grant Avenue, agreed with the previous speakers that residents are looking to the Council to be bold on this issue. This is a baby step and a way to educate the public about climate action.

Councilmember Lipton asked if the bag definition includes a tax on all bags regardless of what it is made of. Hogan stated that is correct.

Councilmember Fahey asked if the Council wants to consider exempting restaurants.

Mayor Stolzmann stated she is supportive of the original version with the 25 cent tax, however she stated she could support the new version as it gives Council the option to go up to 25 cents if needed. She feels the community would support applying this to all stores.

Mayor Stolzmann would like an amendment to both options that would restrict the revenue from the tax to being used only for administering the tax or for sustainability programs. She would strike the section that also allows use of the funds "for other general purposes of the City."

Councilmember Dickinson stated he would support both options to get this on the ballot but would much prefer to be bold and go with the 25 cent fee imposed on all retail businesses. He also supports restricting the revenue as proposed by the Mayor.

Mayor Pro Tem Maloney stated it is clear all of Council supports putting something on the ballot. He thinks keeping the language that allows Council some flexibility for setting the tax is preferable. He likes the idea of starting at 10 cents and being able to go to 25 cents as it gives the Council somewhere to go if it isn't getting results. He stated he leans towards only applying it to food stores.

Councilmember Brown asked if the ordinance would allow Council to start with applying it to just food stores and then expand to all stores without going to another vote of the electorate. City Attorney Kelly stated as written and if approved, Council would have the option to approve an ordinance at a later date that would modify the rule to include nonfood stores.

Councilmember Brown stated he wants to do something impactful but also likes the flexibility for Council to be able to make changes, making it stricter if needed.

Councilmember Lipton stated he supports the second version with more flexibility. The most important thing is to get something passed tonight, we need to do something.

Councilmember Leh stated he likes the option to start at ten cents with options to go higher. He also agreed with the proposed change to limit the proceeds to administration and sustainability programs.

#### Public Comments

Tiffany Boyd, 550 Grant Avenue, stated local action is what will get this done. This is a small step that allows bigger steps down the road. She supports 25 cents at all businesses.

RJ Harrington, 457 East Raintree Court, stated we need to consider the cost of this on future generations. He supports 25 cents on all retailers.

Mayor Stolzmann stated she supports 25 cents as by the time this is implemented in 2022 it will be the right price. She added the State may ban these before that date so this tax might never go into effect. The goal is not to raise money but deter use. She supports imposing it on all stores. She feels the community will support this. Councilmember Fahey agreed.

Mayor Pro Tem Maloney stated he prefers more tools in the tool box and would like the flexibility of starting at 10 cents and going higher, maybe even 50 cents. He stated he doesn't want to send the message that this is being done to be a revenue source. The goal is to change behavior.

Councilmember Dickinson stated he has heard no opposition to the 25 cents from residents. He noted businesses won't be hurt by the cost as they are getting 10 cents per bag which covers their costs.

Councilmember Lipton stated he supports the start at 10 cents with the ability to move it higher. He noted no other City has a fee as high as 25 cents. He supports restricting the revenue as proposed by the Mayor. He doesn't want to be the town with the highest tax in the State; that is not the small town value with the light touch to residents we strive for.

Councilmember Lipton moved to approve the ordinance with the proposed second reading amendments and the Mayor's amendment restricting the funds; Mayor Pro Tem Maloney seconded the motion.

Councilmember Brown stated he can accept this but would prefer the higher rate. He does appreciate the flexibility that is written into the ordinance.

Councilmember Dickinson made a substitute motion to approve the initial ordinance without the second reading amendments; Mayor Stolzmann seconded the motion.

Mayor Stolzmann made a friendly amendment to restrict the funding to as she proposed; Councilmember Dickinson accepted the friendly amendment.

Mayor Pro Tem Maloney stated he prefers the second reading amendments and having the flexibility to make changes if we are not getting the results we want.

Mayor Stolzmann closed the public hearing.

**Roll call vote on substitute motion:** Motion passed 4-3 Vote

**ORDINANCE NO. 1796, SERIES 2020 – AN ORDINANCE APPROVING THE REZONING OF LOTS 1 AND 2, CRYSTAL ESTATES REPLAT A LOCATED AT 1655 COURTESY ROAD AND 1655 CANNON CIRCLE FROM THE COMMERCIAL BUSINESS ZONE DISTRICT TO THE COMMERCIAL COMMUNITY, MIXED USE ZONE DISTRICT PURSUANT TO LOUISVILLE MUNICIPAL CODE CHAPTER 17.14 - MIXED USE ZONE DISTRICTS – 1ST READING, SET PUBLIC HEARING 8/18/20**

Mayor Stolzmann introduced the item by title. Councilmember Lipton moved to approve the ordinance on first reading and set the public hearing; seconded by Mayor Pro Tem Maloney.

**Roll Call Vote:** Motion passed by unanimous roll call vote.

**CITY ATTORNEY'S REPORT**

None.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS**

**ADVANCED AGENDA**

Mayor Stolzmann moved to approve August 11 as a special meeting. Mayor Pro Tem Maloney seconded the motion. All in favor.

ECONOMIC VITALITY COMMITTEE – no report

FINANCE COMMITTEE – no report

LEGAL REVIEW COMMITTEE – no report

UTILITY COMMITTEE – Councilmember Lipton stated the committee met today and will have another meeting soon on Windy Gap funding and utility rates.

COLORADO COMMUNITIES FOR CLIMATE ACTION – no report

COMMUTING SOLUTIONS – no report

CONSORTIUM OF CITIES – no report

DOWNTOWN BUSINESS ASSOCIATION STREET FAIRE – no report

DENVER REGIONAL COUNCIL OF GOVERNMENTS – no report

JOINT INTEREST COMMITTEES (SUPERIOR & LAFAYETTE) – no report

MAYORS & COMMISSIONERS COALITION – no report

METRO MAYORS CAUCUS – no report

REVITALIZATION COMMISSION – no report

XCEL ENERGY FUTURES – Mayor Pro Tem Maloney reported they are working on the Renewable Energy Credits but need more information. This will come back to Council for further discussion.

## **ADJOURN**

Members adjourned at 7:24 pm.

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Ashley Stolzmann, Mayor

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Meredyth Muth, City Clerk